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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,597	02/11/2004	Paul Y. Kim	SF-4	4943

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LANGLOTZ PATENT WORKS, INC.
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GENOA, NV 89411

EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/777,597

Applicant(s)

KIM, PAUL Y.

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 31, 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by RACHWAL (US 6,388,390 B2).

4. In regards to claims 1 and 12, RACHWAL discloses a flashlight (10-fig.1, 10a-fig.2) comprising: a single lamp (LED 14,14a); a power storage element (28, 28a); a single switch (18a, col.5, lines 29-35) operable to be incremented through a sequence

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of states ("off condition" and "on condition", col.5, line 53 to col.6, line 3); the switch (18a) being operable in response to a single momentary application and release of pressure (col.5, lines 61-65) to increment from a first one of the states (col.5, lines 65-67 "off condition or low output signal") in the sequence to a second one of the states (col.5, line 67 to col.6, line 1 "on condition or high signal") in the sequence; the first one ("off") of the states comprising operating the lamp (14a) at a first brightness (col.5, lines 53-60); and the second one ("on") of the states comprising operating the lamp (14a) at a different brightness (col.6, lines 4-11); the switch (switch circuitry 26a or 26b) having an electrical input contact (18a or 18b) and a plurality of electrical output contacts (Q,Q); the switch (26a or 26b) being operable to be incremented through a sequence of states ("off condition" and "on condition", col.5, line 53 to col.6, line 3), each increment occurring in response to an a momentary application and release of pressure (col.5, lines 61-65); each of the states having an electrical connection (46) made between the input contact (18a or 18b) and a respective one of the output contacts (Q,Q); and a different amount of power being delivered to the lamp in each of the switch states (col.5, line 61 to col.6, line 15).

5. In regards to claims 2-7, 9-11, 13-16 and 18-20, RACHWAL discloses the switch (18d, fig.7) including an off state in addition to at least two different brightness states (col.9, lines 1-6); wherein the flashlight (10c) includes an elongated body (fig.6) and wherein the switch (18c) is located at an intermediate portion (fig. 6) of the body away from the ends of the body; including a controller (regulator 40 or 60) operable to deliver different selected power levels (col.6, lines 4-25, col.7, lines 2-11) to the lamp (14a or

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14b), and having a plurality of inputs (non-conducting & conducting of transistor 42), the switch (18a,18b) having a plurality of outputs (off & on conditions of flip/flop 46,46b) connected to the respective controller inputs (42 of 40, or "IN" and "ON/OFF" of 60); wherein the switch (18b) is operable to make a connection between an input (IN,ON/OFF) from the controller (60) and a selected one of the outputs (Q,-Q); wherein the power storage element (28e, fig.9) has opposed electrodes (+-) each connected to the controller (26e), and wherein the lamp (14e) has opposed electrodes each connected (fig.9) to the controller (26e); wherein all contacts (fig.2) of the switch (18) are connected directly to the controller (32), such that the switch (18) does not intervene between the lamp (14) and the power source (28); wherein the switch (18b) is connected to a network of resistors (51b,61), and operates (thru regulator 60) to include a selected one of the resistors in a circuit including the lamp (14b) and the power source (28b); wherein the lamp (14a) is an LED (14) operable to generate a light output based on the power input (40,60) with a consistent color of light output (col.3, lines 35-45); including a reflector (16, fig.1) having an optical axis, and wherein the single lamp(14) is positioned on the optical axis (fig.1).

Allowable Subject Matter

6. Claims 8 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not suggest a flashlight wherein the switch includes an axially-movable element operable by a user's finger, and an internal rotatable element having a conductive contact and operable in response to an axial movement of the axially movable-element to rotate a fraction of a turn.

Conclusion

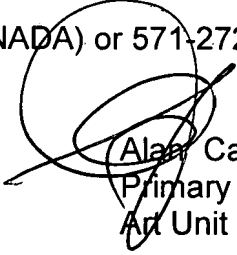
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. PARSONS et al (US 20030206409) shows a flashlight having a pushbutton switch (50) activating successive states of mode#1 (off), mode#2 (flash) and mode#3 (Morse or SOS code) see paragraphs 67-77.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan Cariaso
Primary Examiner
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April 16, 2007
AC